IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2385 OF 2006.

Nilesh Jayantilal Amrelia ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mr. Milind Gyani for the applicant.
Mr. S.S. Pednekar, A.P.P. for the State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 28TH SEPTEMBER, 2006.

P.C.

. By an order passed on 25th July, 2006, as also the further order dated 11th August, 2006 it is clear that the applicant was enlarged on bail but a condition was imposed that he repays the balance amount of Rs.2,13,360/- with 10% simple interest. This was as per voluntary statement made by the Advocate for the applicant after taking instructions from the applicant.

2. It appears that this amount was not paid within the time stipulated and the matter was placed before me on 8th September, 2006. The applicant on that day agreed to pay sum of Rs. 50,000/- and sought time to make balance payment. He made payment of Rs. 50,000/- as is evident from my order dated 13th September, 2006.

The balance payment was not made and time was sought for that purpose. Today two demand Draft of Rs. 1 lakh each have been handed over to the original complainant's Advocate in Court, which receipt is confirmed. However, the complainant states that sum of Rs. 14,922/- is balance. The applicant agrees to pay the same by 16th October, 2006.

3. In the light of the payment made and the statement as above, the order passed by this Court on 11th August, 2006 enlarging the applicant on bail is confirmed and the applicant shall be released on bail in the sum specified in this Court's order and with conditions as under:-

i) The applicant arrested in connection with Cr.No.147/2005 registered with V.P. Road Police Station, Girgaon, Mumbai shall be enlarged on bail subject to furnishing a personal bond of Rs 10,000/- with one surety in the like amount (as specified in the order dated 11th August, 2006).

ii) The applicant shall not leave Mumbai without permission of the trial Court.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii). Needless to state that the payment is made without prejudice to the rights and contentions of the applicant and this fact shall not in any manner influence the Court below while deciding the case finally.

viii). This payment shall not take away the remedies to the applicant to initiate such proceedings as are permissible in law against the original complainant.

ix) Application is disposed of in above terms.]

x) In view of disposal of Criminal Application No. 2385/2006, Criminal Application No. 616/2006 does not survive and disposed of accordingly.

xi) Parties to act on an authenticated copy of this order.

(S.C. DHARMADHIKARI, J.)